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*Admitted only in Maryland
*Admitted only in Virginia
*Practice Limited to
Federal Agencies

June 9, 2005

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Mail Stop Amendment
Art Unit: 1644
Examiner: Ronald B. SCHWADRON
Confirmation No.: 8008

Re: U.S. Utility Patent Application
Application No. 09/350,401; Filed: July 8, 1999
For: **Inducing Cellular Immune Responses to Hepatitis B Virus Using
Peptide and Nucleic Acid Composition**
Inventors: SETTE *et al.*
Our Ref: 2060.0060008/PAJ/M-M

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fifth Supplemental Information Disclosure Statement;
2. List of Documents cited on Form PTO-1449 (2 Pages); and
3. One (1) return postcard.

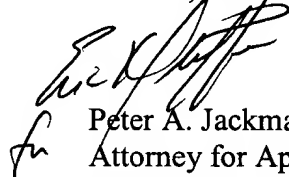
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
June 9, 2005
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

 Key # 36,688
Peter A. Jackman
Attorney for Applicants
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PAJ/M-M/awt
Enclosures

408183_1.DOC



UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Sette *et al.*

Appl. No.: 09/350,401

Filed: July 8, 1999

For: **Inducing Cellular Immune
Responses to Hepatitis B Virus
Using Peptide and Nucleic Acid
Compositions**

Confirmation No.: 8008

Art Unit: 1644

Examiner: SCHWADRON, Ronald B.

Atty. Docket: 2060.0060008/PAJ/M-M

Fifth Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

The numbering on this Fifth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Fourth Supplemental Information Disclosure Statement filed April 11, 2005, in connection with the above-captioned application.

Copies of all U.S. Patents and U.S. Patent Application Publications, cited on Form PTO-1449 as documents **AJ200**, **AK200** and **AA201-AI201**, are not provided in accordance with 37 C.F.R. § 1.98(a)(2).

A copy of document **AR210** and **AS210** are not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which

caused it to be listed) is *sua sponte* waived where the cited pending application is stored in the USPTO's IFW system."

The Examiner's attention is directed to the following co-pending U.S. Patent Application, which is directed to related technical subject matter:

U.S. Patent Application No. 10/817,970, Grey *et al.*, filed April 6, 2004 and cited as document **AR210**.

U.S. Patent Application No. 10/654,601, Sette *et al.*, filed September 4, 2003 and cited as document **AS210**.

The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to this application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

Sette *et al.*
Appl. No. 09/350,401

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Reg # 36,688

for

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FORM PTO-1449

FIFTH SUPPLEMENT

INFORMATION DISCLOSURE STATEMENT

 ATTY. DOCKET NO.
2060.0060008/PAJ/M-M

 APPLICATION NO.
09/350,401

 APPLICANTS
Sette *et al.*

 FILING DATE
July 8, 1999

 ART UNIT
1644

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ200	6,413,935	07/02/2002	Sette <i>et al.</i>			01/23/1997
	AK200	6,419,931	07/16/2002	Vitiello <i>et al.</i>			02/16/1994

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>210</u>	U.S. Patent Application No. 10/817,970, Grey <i>et al.</i> , filed April 6, 2004 (NOT PUBLISHED)
	AS	<u>210</u>	U.S. Patent Application No. 10/654,601, Sette <i>et al.</i> , filed September 4, 2003 (Published as US 2005/0063983 A1; document AI201)
	AT		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449

FIFTH SUPPLEMENTAL

INFORMATION DISCLOSURE STATEMENT

 ATTY. DOCKET NO.
 2060.0060008/PAJ/M-M

 APPLICATION NO.
 09/350,401

 APPLICANTS
 Sette *et al.*

 FILING DATE
 July 8, 1999

 ART UNIT
 1644

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA201	6,602,510	08/05/2003	Fikes <i>et al.</i>			04/05/2000
	AB201	2002/0160960	10/31/2002	Sette <i>et al.</i>			04/11/2002
	AC201	2003/0143672	07/31/2003	Tangri <i>et al.</i>			04/05/2002
	AD201	2003/0216342	11/20/2003	Fikes <i>et al.</i>			02/21/2003
	AE201	2003/0216343	11/20/2003	Fikes <i>et al.</i>			02/21/2003
	AF201	2004/0096445	05/20/2004	Sidney <i>et al.</i>			08/22/2001
	AG201	2004/0157273	08/12/2004	Sidney <i>et al.</i>			01/29/2002
	AH201	2005/0049197	03/03/2005	Sette <i>et al.</i>			10/07/2004
	AI201	2005/0063983	03/24/2005	Sette <i>et al.</i>			09/04/2003
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT		

EXAMINER

DATE CONSIDERED

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